

Wetlands Bureau Decision Report

Decisions Taken
10/10/2005 to 10/16/2005

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2000-01097 PIER PEOPLE, THE NEW CASTLE Little Harbor

Requested Action:

Construct a permanent 20 ft x 50 ft partially enclosed building ("Chandlery") on the fixed timber pier, as originally designed and approved under NH DES Permit P-793, in the same location where the marina food service building and tent are currently located per as-built plan received September 22, 2005.

Conservation Commission/Staff Comments:

Con. Com. intervened, but did not comment during intervention period.

Inspection Date: 08/23/2005 by Frank D Richardson

Inspection Date: 12/08/2000 by David A Price

APPROVE PERMIT:

Construct a permanent 20 ft x 50 ft partially enclosed building ("Chandlery") on the fixed timber pier, as originally designed and approved under NH DES Permit P-793, in the same location where the marina food service building and tent are currently located per as-built plan received September 22, 2005.

With Conditions:

1. All work shall be in accordance with plans by Kimball-Chase dated 14 Mar. 2000, and project narrative by Appledore Engineering, Inc. as received by the Department on May 25, 2000 as well as the 'AS-BUILT PLAN' for the Wentworth by the Sea Marina by Appledore Marine Engineering, Inc. dated 22 September 2005 as received by the Department on September 22, 2005.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. NH DES Southeast Region permitting staff shall be notified in writing prior to commencement of work and upon its completion.
4. This permit shall not be effective until it has been recorded with the Rockingham County Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
5. The construction of this partially enclosed building will complete all proposed and approved structures appurtenant to the fixed timber pier at this marina facility.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(a).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on August 23, 2005. Field inspection determined the footprint of the proposed structure, previously approved under DES permit #P-793, is currently occupied by a small building and a large tent.
6. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this estuarine ecosystem.
7. Permit application #2000-01097 was filed to implement the a portion of the work on the fixed pier previously approved under DES permit P-793 not completed prior to expiration.
8. The footprint of the originally proposed 20 ft x 50 ft partially enclosed structure has since been occupied by a marina food service building and a tent.
9. This portion of the fixed pier is at the landward edge of the overall structure and the proposed building will not significantly exacerbate the light attenuation or other environmental impacts already associated with the pier as permitted and constructed.
10. A one-acre salt marsh located between the westerly terminus of the fixed pier and the embankment of US Rte 1B was constructed as compensatory mitigation for the fixed timber pier and all appurtenant structures noted on the site plans associated

with DES permit P-793.

Requested Action:

Approve request for reconsideration and issue permit to construct a permanent 20 ft x 50 ft partially enclosed building on the fixed timber pier, as originally designed and approved under NH DES Permit P-793, in the same location where the marina food service building and tent are currently located per as-built plan received September 22, 2005.

APPROVE RECONSIDERATION:

Approve request for reconsideration and issue permit to construct a permanent 20 ft x 50 ft partially enclosed building on the fixed timber pier, as originally designed and approved under NH DES Permit P-793, in the same location where the marina food service building and tent are currently located per as-built plan received September 22, 2005.

With Findings:

- 1). Permit application #2000-01097 was filed to implement the a portion of the work on the fixed pier previously approved under DES permit P-793 not completed prior to expiration.
- 2). The footprint of the originally proposed 20 ft x 50 ft partially enclosed structure has since been occupied by a marina food service building and a tent.
- 3). This portion of the fixed pier is at the landward edge of the overall structure and will not exacerbate the light attenuation or other environmental impacts already associated with the pier as permitted and constructed.
- 4). A one-acre salt marsh located between the westerly terminus of the fixed pier and the embankment of US Rte 1B was constructed as compensatory mitigation for the fixed timber pier and all appurtenant structures noted on the site plans associated with DES permit P-793.

2003-00446 THIBEAULT CORP
MANCHESTER Unnamed Wetland

Requested Action:

Approve name change to: 342 Rockingham Road, LLC, 603 Old Mammoth Road, Londonderry, NH 03053 per request received 10/13/2005.

Inspection Date: 11/22/2002 by Frank D Richardson

APPROVE NAME CHANGE:

Dredge and fill a total of 43,422 sq. ft. of low value, man-made wetlands, in a former excavation site, for commercial lot development.

A 16.6 acre parcel of land will be placed in a conservation easement as compensatory mitigation.

With Conditions:

1. All work shall be in accordance with plans by R.S.L. Layout & Design, Inc. dated April 10, 1995, as received by the Department on September 16, 2003.
2. This permit is contingent on approval by the DES Site Specific Program.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

Land Resources Preservation:

1. This permit is contingent upon the execution of a conservation easement on 16.6 acres as depicted on plans received November 12, 2003.
2. The conservation easement to be placed on the preservation area shall be written to run with the land, and both existing and future property owners shall be subject to this easement.

3. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the Hillsborough County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
4. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.
5. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments prior to construction.
6. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.
7. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
8. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.02.

2003-01436 BRADFORD HILL REVOC TRUST
NASHUA Nashua River

Requested Action:

Approve name change to: Nashua Riverwalk LLC, PO Box 119, Hampton NH 03843 per request received 10/7/2005.

Conservation Commission/Staff Comments:

The Nashua Conservation Commission voted to recommend against approval of the application. Their concerns include the finding that the proposed project would set a legal precedent by leaving no natural buffer on the Nashua River.

Inspection Date: 06/27/2003 by Frank D Richardson

APPROVE NAME CHANGE:

Construct a 22-unit, 5-story condominium building, including 105 linear feet of retaining wall, with appurtenant parking, drainage structures and landscaping including approximately 5,000 sq. ft. of embankment which will be stabilized with an articulating concrete block revetment system adjacent to the Nashua River, a designated prime wetland.

With Conditions:

1. All work shall be in accordance with plans by Hayner/Swanson, Inc. dated 3 April 2003, as received by the Department on July 7, 2003.
2. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
3. A professional engineer shall inspect the project to insure compliance with the approved plans and permit conditions and file a report with the DES Wetlands Bureau and the Nashua Conservation Commission documenting site conditions, including photos taken from designated photo locations every 6 months from the start of work through to completion.
4. Erosion control and construction sequence notes on the approved plans shall be explicitly followed.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. During all phases of work, from clearing and grubbing to final grading or any temporary suspension of work in an area that is adjacent to the Nashua River, all exposed soil areas shall be temporarily stabilized with erosion control matting and/or netting and pinning on the embankment until the articulating concrete block revetment system is completely installed and stabilized.
7. The permittee and/or owner is responsible to assure that the trees, shrubs and other plantings done to revegetate the embankment become well established and will replace any dead or dying plants as soon as they may be detected.

8. Only low phosphate, slow release fertilizer of the minimum concentration required to establish and promote growth shall be used on this site.
9. Conditions 7 & 8 are long term maintenance requirements for this project.
10. Work shall be done during low flow.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.02.

2005-00046 JANIGAN, MIRIAM
GOFFSTOWN Unnamed Wetland

Requested Action:

Dredge and fill a total of 40,200 square feet of freshwater wetlands in six locations to construct road crossings for a 264-unit elderly housing development.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Dredge and fill a total of 40,200 square feet of freshwater wetlands in six locations to construct road crossings for a 264-unit elderly housing development.

With Findings:

1. On January 5, 2005 DES received an application from PD Associates LLC, to dredge and fill a total of 40,200 square feet of freshwater wetlands over six locations to construct road crossings for a 264-unit elderly housing development on the Miriam Janigan property in Goffstown NH, wetlands file number 2005-46.
2. On January 10, 2005 DES received a letter of intervention from the Goffstown Conservation Commission.
3. On February 11, 2005 DES received a copy of the Goffstown Conservation Commission's comments to the Goffstown Planning Board regarding this project, expressing concern about the density of the units; the loss of all site vegetation in the development area; and the fact that the large wetland crossings could be eliminated with a different design.
4. On March 14, 2005 DES sent the applicant a letter requesting that, among other items, the following key issues be addressed:
 - a. Demonstration of need to impact wetlands, pursuant to Rules Wt 302.01(b), and Wt 302.04(a)(1); demonstration of avoidance and minimization of impacts to wetlands, pursuant to Rule Wt 302.02, and demonstration that the project represents the least impacting alternative, pursuant to Rule Wt 302.04(a)(2), given that access to the site is available through Acorn Dr. with minimal wetlands impact, and also potentially available through Juniper Drive and Sage Court for development of the north portion (the majority) of the site, as well as from existing road frontage from Tirrell Hill Rd. for development of the southerly portion of the site, without the significant wetlands impact represented by 300+ linear ft., 31,600 square foot impact of wetland crossing #3;
 - b. A copy of the Wildlife Habitat Assessment conducted for this property be submitted to DES;
 - c. Plans and a copy of the Wildlife Habitat Assessment be submitted to NH Fish and Game Department Non-Game and Endangered Wildlife Program in response to their request;
 - d. Further explanation be provided with respect to the statement made in the application that this proposal will redirect water from one watershed to another including how will this be to occur; if a drainage analysis or other study has been performed; and what will be the resulting impact to wetlands.
5. On 3/18/2005 DES conducted a field inspection of the site and its vicinity, and found that access is available, and planned for, off Acorn Drive to the majority of the property without the 31,600 square feet of impact for crossing # 3, and also physically available from other roads which extend up to various sides of the site property, including Sage Court, Juniper Drive, and direct frontage to the south-easterly side of the site from Tirrell Hill Rd.
6. A request for additional information dated March 14, 2005, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request, with a deadline of 7/14/2005.
7. As of 9/30/2005, no response to the request for additional information has been received by DES from the applicant.
- 8 Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.

9. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.
10. DES further finds that design alternatives exist that would allow for development of this property in a manner which would avoid a majority of the wetlands impact, particularly the 31,600 square feet of impact for crossing #3.
11. Based on finding 10 above, DES finds that the applicant's proposal fails to meet the requirements of demonstrated need to impact wetlands, pursuant to Rules Wt 302.01(b), and Wt 302.04(a)(1).
12. Based on finding 10 above, DES finds that the applicant's proposal fails to represent avoidance and minimization of impacts to wetlands to the greatest extent practicable, pursuant to Rule Wt 302.02.
13. Based on finding 10 above, DES finds that the applicant's proposal fails to represent the least impacting alternative, pursuant to Rule Wt 302.04(a)(2).
14. Pursuant to Rule Wt 302.04(d), the department shall not grant a permit if there is a practicable alternative that would have a less adverse impact on the area and environments under the department's jurisdiction, or the project would cause unnecessary destruction of wetlands, therefore, the application is denied.

2005-00317 COASTAL PARTNERS LLC, MICHAEL DIGUISEPPE
HOOKSETT Unnamed Wetland

Requested Action:

Dredge and fill a total of 19,550 sq. ft. of freshwater wetlands adjacent to Hooksett Dalton Brook Prime Wetlands, for access, lot development, and pond outlet repair and stabilization, for redevelopment of a commercial retail center.
Approve as mitigation a conservation easement on 11.29 acres (4.57 upland and 6.72 wetland) on the project site to include, protect and preserve the Dalton Brook prime wetland and its natural uplands on the site, to be held by the Town of Hooksett, with stewardship by the Hooksett Conservation Commission.

Conservation Commission/Staff Comments:

Con. Com. has no objections, and will hold conservation easement for mitigation.

Inspection Date: 05/17/2005 by Dori A Wiggin

APPROVE PERMIT:

Dredge and fill a total of 19,550 sq. ft. of freshwater wetlands adjacent to Hooksett Dalton Brook Prime Wetlands, for access, lot development, and pond outlet repair and stabilization, for redevelopment of a commercial retail center.
Approve as mitigation a conservation easement on 11.29 acres (4.57 upland and 6.72 wetland) on the project site to include, protect and preserve the Dalton Brook prime wetland and its natural uplands on the site to be held by the Town of Hooksett, with stewardship by the Hooksett Conservation Commission.

With Conditions:

1. All work shall be in accordance with revised plans by TF Moran, Inc. dated 7/12/2005, as received by the Department on 7/25/2005.
2. This permit is contingent on the approval and conditions of the DES Site-Specific permit.
3. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
4. A professional engineer shall inspect the project to insure compliance with approved plans and permit conditions.
5. The boundaries of the prime wetland buffer shall be clearly marked prior to construction, shall be remain marked until construction is complete and the area is fully stabilized.
6. Orange construction fencing shall be placed at the limits of construction; siltation/erosion controls shall be installed prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. Erosion control and construction sequence notes on the approved plans shall be explicitly followed.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Work shall be done during low flow.
13. Proper headwalls shall be constructed within seven days of culvert installation.
14. Culvert outlets shall be properly rip rapped.
15. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
16. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.

Wetland preservation:

1. This permit is contingent upon the execution of a conservation easement on 11.29 acres (4.57 upland and 6.72 wetland) on the project site to include, protect and preserve the Dalton Brook prime wetland and its natural uplands on the site, to be held by the Town of Hooksett, with stewardship by the Hooksett Conservation Commission, as depicted on revised plans by TF Moran, Inc., dated 7/12/2005, as received by DES on 7/25/2005.
2. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
3. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
4. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.
5. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
6. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.
7. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
8. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(f), projects located in or adjacent to designated prime wetlands under RSA 482-A:15, in this case impact of 19,550 square feet of wetlands adjacent to Hooksett's Dalton Brook prime wetland.
2. On 7/11/2005 DES received a letter from Jean Chouinard, 13 Benton Rd., Hooksett on behalf of his mother, who was opposed to the project based on water quality concerns to Dalton Brook
3. A prime wetlands public hearing was held on 7/19/2005.
4. In testimony during the 7/19/2005 hearing, Mr. Chouinard stated that neither he nor his mother were opposed to the project, he just wanted to present the historical perspective, and further stated that the current plans looked good.
5. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. The layout for the redevelopment of this site and associated wetland impacts are a result of coordination between the applicant and NHDOT with respect to redesign and improvement of NH Rt. 3 including highway widening; elimination for safety purposes of six driveway accesses; and redesign and upgrades to NHDOT's roadway drainage and stormwater treatment prior to its discharge to the Dalton Brook prime wetland.
6. The applicant has provided evidence which demonstrates that his/her project, as approved and conditioned, is the alternative

with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03. The wetland impacts are limited to those necessary to provide access around the building and to allow recirculation of traffic in conjunction with NHDOT's redesign and improvements of NH Rt. 3, and have been further minimized by use of retaining walls and tight side slopes to contain site development.

7. Unavoidable impacts are further offset by mitigation provided by the applicant in the form of an 11.29 acre conservation easement preserving the prime wetland and its surrounding upland buffer, which exceeds the ratio required in Administrative Rule Wt 803.05, Compensatory Mitigation Ratios.
8. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project. This project will improve treatment and handling of urban stormwater run-off, and received a DES Site-Specific permit on 5/4/2005.
9. The detailed engineering plans accurately locate the boundary of the wetlands and prime wetlands.
10. The erosion controls, water velocity controls, grass treatment swales, stabilization methods, culvert sizing and invert elevations will protect the ability of the wetlands to retain floodwaters and silt. The prime wetland will be further protected by repair and stabilization of the degraded pond outlet structure, which discharges directly into the prime wetland.
11. The approved plans and conditions of the permit provide for a 40 foot buffer around the Prime Wetland area.
12. The project as approved and constructed in adherence to the provided construction sequence, erosion controls, water treatment system and maintenance program offsets impact from any increased runoff created by the development.
13. Based on the inspection conducted on 5/17/2005 by DES personnel, the project involves minor environmental impacts.
14. Based on findings #1-13 above, there is clear and convincing evidence this proposal will have no significant loss of values to the prime wetlands as set forth in RSA 482-A:1, and the project meets the criteria set forth in Rule Wt 703.01 Criteria for Approval.

2005-00611 ESPANA BUILDING & DEVELOPMENT INC
AUBURN Unnamed Wetland

Requested Action:

Dredge and fill a total of 16,829 sq. ft. of wetland for five crossings to upgrade an existing class VI road to class V road to serve 42 residential lots as the third and final phase of a subdivision on 287 acres, including: Impact a/b: 270 sq. ft. (55 linear feet of intermittent stream) to install a replacement 18 in. x 14 ft. culvert; Impact #1/#2: 1,980 sq. ft. (90 linear ft. of intermittent stream) for culvert replacement; Impact #3: 11,214 sq. ft. (110 linear ft. of intermittent stream) to install a 24 in. x 71 ft. culvert; Impact #4/#5: 3,365 sq. ft. (90 linear ft. of intermittent stream) to install a 24 in. x 58 ft. culvert. Approve as mitigation, a conservation easement on 35 acres of wetland and upland on the property, held by the Town of Auburn with Stewardship by the Auburn Conservation Commission.

APPROVE PERMIT:

Dredge and fill a total of 16,829 sq. ft. of wetland for five crossings to upgrade an existing class VI road to class V road to serve 42 residential lots as the third and final phase of a subdivision on 287 acres, including: Impact a/b: 270 sq. ft. (55 linear feet of intermittent stream) to install a replacement 18 in. x 14 ft. culvert; Impact #1/#2: 1,980 sq. ft. (90 linear ft. of intermittent stream) for culvert replacement; Impact #3: 11,214 sq. ft. (110 linear ft. of intermittent stream) to install a 24 in. x 71 ft. culvert; Impact #4/#5: 3,365 sq. ft. (90 linear ft. of intermittent stream) to install a 24 in. x 58 ft. culvert. Approve as mitigation, a conservation easement on 35 acres of wetland and upland on the property, held by the Town of Auburn with Stewardship by the Auburn Conservation Commission.

With Conditions:

1. All work shall be in accordance with plans by Eric C. Mitchell & Associates, Inc. dated February 16, 2005, as received by the Department on September 28, 2005.
2. Culvert size/design at impact area #1/#2 shall be determined based on direct coordination of the applicant with NH Fish & Game ("NHF&G") Non-Game Program to address NHFG concerns as is reasonably practicable. The resulting culvert design shall be submitted to DES for review, approval, and permit amendment.
3. Work within surface waters shall be done in the dry or during low flow.
4. Construction equipment shall not be located within surface waters.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction,

and shall remain until the area is stabilized.

6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

7. There shall be no further alteration to wetlands or surface waters without amendment of this permit.

8. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

9. The DES Wetlands Bureau Pease Office shall be notified in writing prior to commencement of work and upon completion.

10. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.

11. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.

12. This permit is contingent upon approval by the DES Site Specific Program.

Wetland Preservation:

13. This permit is contingent upon the execution of a conservation easement on 35 acres as depicted on plans by Eric C. Mitchell & Associates, Inc. dated February 16, 2005, as received by the Department on September 28, 2005.

14. Applicant shall submit to DES the baseline documentation report that provides a description of existing conditions and functions of both wetland and upland areas of the conservation easement.

15. The conservation easements that may be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.

16. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for the appropriate lot and a copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau.

17. The conservation easement area shall be marked by stakes and signs indicating the location and restrictions of the area prior to construction.

18. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.

19. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This is a major project pursuant to RSA 482-A:11,V, and Administrative Rule Wt 303.02(l), a series of minor projects undertaken in the last five years which amount to a major project when taken in the aggregate. This project is the third and final phase of a subdivision involving NHDES Wetlands Permit# 2002-875 for 9,185 sq. ft.; NHDES Wetlands Permit# 2002-2452 for 5,670 sq. ft., and this permit for 16,829 sq. ft., totaling 31,684 sq. ft. in the aggregate.

2. The applicant has adequately demonstrated that the proposal must cross wetlands at some locations on this property to access buildable uplands and has thereby demonstrated need as required by Wt 302.01(b).

3. The applicant has adequately demonstrated need, avoidance, and minimization as required by Wt 302.01(b), Wt 302.03, and Wt 302.04(a)(2), respectively, by confining impacts to the general path of the existing class VI road. Applicant has further minimized impacts by providing compensatory mitigation in the form of preservation of 35 acres of conservation easement, which exceeds the requirements of Administrative Rule Wt 803.05 Compensatory Mitigation Ratios.

4. The applicant has addressed the Conservation Commission's concerns within the realm of DES Wetlands Bureau jurisdiction. The permit is further conditioned to require the applicant's coordination with NH Fish & Game ("NHF&G") Non-Game Program relative to the sizing of the proposed culvert at Impact #1/#2 relative to aquatic species passage concerns.

Requested Action:

Dredge and fill 51,833 square feet (2,629 square feet permanent impact to naturally occurring wetlands; 38,325 square feet permanent impact to artificially created wetlands; 10,879 square feet temporary impact to naturally occurring wetlands) of palustrine forested, scrub-shrub, and emergent wetlands, and artificially flooded riverine wetlands for replacement of a 2,390-linear foot section of an existing 4,900-linear foot wooden penstock with a fiberglass penstock and associated access for demolition and construction, Phase I of a two-phase project.

APPROVE PERMIT:

Dredge and fill 51,833 square feet (2,629 square feet permanent impact to naturally occurring wetlands; 38,325 square feet permanent impact to artificially created wetlands; 10,879 square feet temporary impact to naturally occurring wetlands) of palustrine forested, scrub-shrub, and emergent wetlands, and artificially flooded riverine wetlands for replacement of a 2,390-linear foot section of an existing 4,900-linear foot wooden penstock with a fiberglass penstock and associated access for demolition and construction, Phase I of a two-phase project.

With Conditions:

1. All work shall be in accordance with plans by Todd Land Use Consultants dated October 5, 2005 (revised), as received by the DES Wetlands Bureau on October 5, 2005.
2. Any work on Phase II of the penstock replacement that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. The applicant shall submit, within one (1) year of the start of Phase I, a compensatory mitigation proposal prepared by a qualified professional per the requirements of Wt 800. The review of Phase II of the penstock replacement is contingent on approval of the mitigation proposal for the cumulative permanent impacts of Phase I and Phase II. If the project is terminated after Phase I (that is, Phase II will not occur), the mitigation proposal shall be for the permanent impacts of Phase I.
4. A post-construction report documenting the status of the completed project with photographs shall be submitted to the DES Wetlands Bureau within 60 days of the completion of construction.
5. The temporary wetland impacts associated with the proposed work shall be restored in-kind by the end of the first growing season following the completion of Phase I.
6. The applicant shall prepare a report outlining the status of the wetland restoration and shall submit the report with the compensatory mitigation proposal.
7. Work shall be done during low flow.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
10. Silt fence(s) must be removed once the area is stabilized.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
15. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
16. Faulty equipment shall be repaired prior to entering jurisdictional areas.
17. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
18. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(c), Projects that involve alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the DES Wetlands Bureau jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. This project is a replacement upgrade of an existing serviceable penstock. The capacity and operation of the penstock will not change.
6. DES Wetlands Bureau Staff conducted a field inspection of the proposed project on October 7, 2005. DES's findings concurred with the findings of Todd Land Use Consultants.
7. The proposed work is being conducted in the utility right-of-way and as such, the applicant is not required to notify abutters in writing per Wt 501.01(c).
8. The applicant is preparing a compensatory mitigation proposal and shall submit the proposal within one (1) year of the start of Phase I. The review of Phase II of the penstock replacement is contingent on approval of the mitigation proposal for the cumulative permanent impacts of Phase I and Phase II. If the project is terminated after Phase I (that is, Phase II will not occur), the mitigation proposal shall be for the permanent impacts of Phase I.
9. On October 6, 2005, the DES Wetlands Bureau received a letter from the Hillsborough Conservation Commission approving the application with conditions. Conditions regarding a proposed conservation easement will be considered during review of the applicant's compensatory mitigation proposal.
10. Of the total permanent wetland impacts, 38,325 square feet occur in wetlands that were artificially created and sustained by leaking of the penstock. Replacement of the leaking structure will change the hydrology by removing the primary source of water which sustains the wetlands.
11. Of the total permanent wetland impacts, 2,629 square feet occur in wetlands that are naturally occurring, that is, the hydrology is not dependent on water leaking from the penstock.
12. Of the total wetland impacts, 10,879 square feet are temporary impacts associated with demolition and construction.
13. In June 2003, the wooden penstock ruptured impacting approximately 10,000 square feet of emergent and scrub-shrub wetland including erosion, uprooting of vegetation, siltation of wetlands and nearby streams, flooding and erosion of private property, roadway erosion, and stream bank erosion. As leaks in the penstock have increased, the need to replace the wooden structure with a fiberglass structure has become a matter of public safety. DES Wetlands Bureau Staff performed a site inspection and issued an Emergency Authorization for impacts associated with the repair of the penstock. A restoration plan was also authorized to restore impacts associated with the rupture.
14. Nearly the entire penstock currently sits on saddles with over 70 percent of the total length in an excavated trench.
15. Two areas along the penstock corridor were identified to host contiguous and expansive naturally occurring wetlands. In each of these areas, the penstock will be elevated above grade on saddles, one section 190 feet in length and the other section 20 to 30 feet in length. This design will allow water to flow under the penstock maintaining the hydrologic connection between the wetlands on the north and south sides of the penstock. The design will also permit small wildlife, particularly reptiles and amphibians, to pass underneath the structure between habitats on the north and south sides of the penstock.
16. The penstock will be buried and vegetated for approximately 20 feet in a third area to maintain the connection between habitats on the north and south sides of the penstock.

MINOR IMPACT PROJECT

2004-02310 DORETTI REVOC TRUST, ROBERT DORETTI
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Extend two existing piers within an existing docking structure and install a 10 ft by 30 ft seasonal canopy over the slip provided.

Conservation Commission/Staff Comments:
Con. Com. never commented on project.

APPROVE AMENDMENT:

Extend an existing 6 ft x 35 ft crib supported pier by adding a 6 ft x 16 ft 10 in section, supported by (1) 6 ft x 6 ft crib, extend the center 4 ft by 35 ft to 4 ft by 51 ft, on an existing "W" shaped docking structure, install a seasonal 10 ft by 30 ft seasonal canopy over the slip provided, dredge 2 cu yds from 36 sq ft of lakebed for navigation, and repair a 13 ft x 17 ft perched beach by restoring the shoreline wall, replenishing 6 cu yds of sand, and installing stairs that access the beach and the water on an average of 271 ft of frontage on Moultonborough Neck, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Mason Marine Construction dated April 15, 2005, as received by the Department on September 16, 2005.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. All removed material and construction debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
7. The steps installed for access to the water shall be located completely landward of the normal high water line.
8. No more than 6 cu yd of sand may be used and all sand shall be located above the normal high water line.
9. This permit shall be used only once, and does not allow for annual beach replenishment.
10. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
11. The maximum size of cribs shall not exceed 6 feet long by 6 feet wide and of such height as necessary to support the docking structure above the water level. Variance to this condition may be sought if water depth is greater than 6 feet.
12. Crib material shall be timber, concrete, or other material approved by the Department of Environmental Services, and of such size and spacing as necessary to completely contain the ballast.
13. The minimum clear spacing between cribs shall be 12 feet.
14. Canopies shall be of seasonal construction type with a flexible fabric cover which shall be removed for the non-boating season.
15. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(d), modification of an existing 4-slip docking structure.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2005-00168 GIANITSOPOULOS, IOANIS
DEERFIELD Unnamed Wetland

Requested Action:

Construct a 60 unit housing community impacting 10325 sq. ft. of wetlands

Inspection Date: 09/16/2005 by William A Thomas

APPROVE PERMIT:

Dredge and fill approximately 9,774 sq. ft. of forested wetlands to construct an access road for a proposed three lot subdivision for a 50 unit elderly housing community.

With Conditions:

1. All work shall be in accordance with plans by RSL Layout & Design, Inc., and R.G. Moynihan Civil Engineer and Surveyor dated July 20, 2005 (revised date September 11, 2005) as received by the Department on September 12, 2005 and Consolidation Plan (sheet 1) as received by the Department on October 7, 2005.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit is contingent on approval by the DES Water Supply Engineering Bureau, Wells and Water Systems.
5. The applicant shall remove the sediment identified (approximately 45 sq. ft.) by DES along the northwest edge of the wetland area southeast of the "Existing Wells". The sediment shall be removed by hand to original grade and the area mulched with straw. The work shall be done during low flow and completed by the end of the 2006 growing season. A certified wetland scientist (CWS) shall submit a status report to the DES Wetlands Bureau once the material has been removed.
6. Work shall be done during low flow.
7. Orange construction fencing shall be placed at the limits of construction adjacent to each wetland impact area to prevent accidental encroachment on wetlands.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
11. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
13. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
14. Proper headwalls shall be constructed within seven days of culvert installation.
15. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
16. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
17. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h). Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. On January 25, 2005, the Department received a complaint of alleged non-permitted wetland impacts on the property.
6. The Department notified the property owner of the complaint on January 26, 2005.
7. The Department received a response from property owner's agent on February 7, 2005.
8. The agent spoke with the Wetlands Bureau Enforcement Section on February 8, 2005.

9. On May 2, 2005, the Department received a Standard Dredge and Fill application from the agent for the non-permitted impacts and for additional proposed impacts on the property.
10. On May 17, 2005, the Department received notice from the Deerfield Conservation Commission that they would like to walk the site before sending feedback to the State.
11. The Department responded to the Commission stating that it could not suspend action on the application because it had not received their letter within 14 days of the Town Clerk's signature, however, information received before a decision on the application would be considered.
12. On June 30, 2005, the Department received correspondences from the Deerfield Planning Board regarding the status of the case and correspondences from citizens of Deerfield.
13. On July 13, 2005, the Department sent a Request for More Information letter to the applicant regarding the pending Standard Dredge and Fill application.
13. On July 15, 2005, the Department received and responded to correspondences from citizens of Deerfield.
14. On July 15, 2005, the Department spoke with the Planning Consultant for the Town of Deerfield Planning Board.
15. On July 18, 2005, the Department received a follow-up letter from the Planning Consultant and request for additional information.
16. The requested information was answered during the conversation with the Planning Consultant on July 15, 2005 and the Department's Request for More Information letter, dated July 13, 2005.
17. On August 4, 2005 and September 12, 2005, the Department received a response from the applicant to the Request for More Information letter, dated July 13, 2005.
18. Wetland impacts #1, #2 and #3 are located within non-permitted impact areas created during access road construction to install wells for the proposed project.
19. DES Staff conducted a field inspection for the proposed project on September 16, 2005. Field inspection determined that the non-permitted impacts (Wetland impact areas #1, #2 and #3 had been stabilized and the wetland delineation appeared to be consistent with the application.
20. The applicant is required to remove the sediment identified along the northwest edge of the wetland area southeast of the "Existing Wells" and submit a status report prepared by a certified wetland scientist.
21. This permit is contingent on approval by the DES Site Specific Program and DES Subsurface Systems Bureau.

2005-00291 HILLSGROVE REVOC TRUST, RAYMOND
CONCORD Unnamed Stream

Requested Action:

Dredge and fill 17,384 square feet of forested wetlands along the path of an old woods road to construct a roadway, including installation of one 18" x 43' culvert, to access four lots of a five-lot residential subdivision on 41.6 acres.

Approve as mitigation conservation easement on 22.34 acres (1.01 acres of upland buffer and 21.34 acres of wetland) to be held by the City of Concord, which is contiguous with a further 5 acres (3.35 acres of upland and 2.15 acres of wetland) on the property that is to be deeded directly to DRED to expand the Allen State Forest.

Inspection Date: 08/30/2005 by Dori A Wiggin

APPROVE PERMIT:

Dredge and fill 17,384 square feet of forested wetlands along the path of an old woods road, including installation of one 18" x 43' culvert, to construct a roadway to access four lots of a five-lot residential subdivision on 41.6 acres.

Approve as mitigation conservation easement on 22.34 acres (1.01 acres of upland buffer and 21.34 acres of wetland) to be held by the City of Concord, which is contiguous with a further 5 acres of (3.35 acres of upland and 2.15 acres of wetland) on the property that is to be deeded directly to DRED to expand the Allen State Forest.

With Conditions:

1. All work shall be in accordance with revised plans by J.E. Belanger Land Surveying PLLC dated 6/8/2005, as received by the Department on 6/18/2005.

2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

Wetland preservation:

1. This permit is contingent upon the execution of a conservation easement on 22.35 acres to be held by the City of Concord, and upon transfer of 5.01 acres to be conveyed in fee to NHDRED Allen State Forest, as depicted on plans by Belanger Land Surveying dated 7/15/2005 received by DES on 9/30/2005.
2. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
3. Record plan with conservation easement for each appropriate lot within 10 days from receipt of this decision and submit a certified receipt from the Merrimack County Registry of Deeds to the DES Wetlands Bureau.
4. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
5. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
6. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.
7. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
8. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), alteration of less than 20,000 square feet of non-tidal wetlands in the aggregate that exceed the criteria of Wt 303.04(f)(minimum impact projects).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. There is no way to access buildable uplands on this property without crossing forested wetlands.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03. The applicant is using the previously disturbed path of an old woods road on the property rather than cutting a new disturbance through the forest, which also crosses in approximately the shortest location.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project. For those impacts that are unavoidable, the applicant has mitigated by providing a conservation easement on 22.34 acres to be held by the City of Concord, donating to NHDRED another 5 acres which are contiguous to the Allen State Forest for its expansion.
5. DES Staff conducted a field inspection of the proposed project on August 30, 2005. Field inspection determined that the road crossing proposed followed a previously disturbed area, and represented minor impact to access the buildable portion of the lots.

2005-00515 MCCARTHY, ROBERTA
MEREDITH Lake Winnepesaukee

Requested Action:

Amend permit to include the replacement of the concrete pad with a stone pad of the same dimensions and correct the length of a wall to be repaired from 35 ft to 50 ft.

Conservation Commission/Staff Comments:

Con Com has no objections to proposed project

APPROVE AMENDMENT:

Amend permit to read: Replace an existing 19 ft wood retaining wall with a stone retaining wall in the same location, replace existing 3 ft wide concrete and wooden steps granite steps, replace existing concrete pad with a stone pad in the same location, replace existing wooden steps with 4 ft wide granite steps to access the water, replace an existing 50 ft concrete retaining wall with a stone retaining wall in the same location, construct stone steps 4 ft wide to access the stone pad, retain a 4 ft by 30 ft seasonal dock, 3 PWC lifts in the existing boat slips and a 9 ft by 21 ft seasonal canopy on Lake Winnepesaukee, Meredith.

With Conditions:

1. All work shall be in accordance with plans by NH Environmental Consultants revision dated September 17, 2005, as received by the Department on September 19, 2005.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work shall be done during drawdown.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Repair shall maintain existing size, location and configuration.
8. Retaining wall shall be constructed landward of the shoreline defined by the elevation of normal high water so as not to create land in public water.
9. These shall be the only structures on this water frontage and all portions of the dock shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
10. The seasonal pier shall be removed from the lake for the non-boating season.
11. No portion of the pier shall extend more than 30 feet from the shoreline at full lake elevation.
12. Canopies shall be of seasonal construction type with a flexible fabric cover which shall be removed for the non-boating season.
13. PWC lifts shall be of seasonal construction type and shall be removed for the non-boating season.
14. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(j), replacement of existing retaining walls.

2005-00743 PRUDHOMME, PATRICIA
ALTON Lake Winnepesaukee

Requested Action:

Construct a 3 ft x 25 ft permanent dock along the southerly bank extending from an existing 20 ft x 38 ft crib/concrete supported boathouse and construct decking over existing concrete supporting pad on 150 ft of frontage in Alton on Lake Winnepesaukee.

DENY PERMIT:

Construct a 3 ft x 25 ft permanent dock along the southerly bank extending from an existing 20 ft x 38 ft crib/concrete supported

boathouse and construct decking over existing concrete supporting pad on 150 ft of frontage in Alton on Lake Winnepesaukee.

With Findings:

Findings of Fact

1. On April 9, 2005 the Department received an Minimum Impact Expedited application to construct a deck over an existing concrete pad and construct a 3 ft x 25 ft permanent pier along the southerly part of the property extending from an existing crib/concrete supported boathouse.
2. On May 23, 2005 a Request for More Information letter was sent to the Agent and the Applicant notifying them that the project was classified as a minor impact project and that more information was required to complete the project.
3. The Request for More Information letter stated that revised plans showing the replacement of an existing concrete deck with a wood deck and an verification that the docking facility would not provide excessive slips on the frontage must be submitted by September 22, 2005 to avoid having the application denied.
4. On June 2, 2005 the Department spoke directly with the Agent to clarify the request for more information and a proposal to meet the standards in accordance with Administrative Rule Wt 402.20, Modification of Existing Structures.
5. On September 20, 2005 the Department received an incomplete response to the more information requested on May 23, 2005.
6. The applicant failed to address the complete removal of the concrete and replacement with decking.
7. An additional dock was proposed, and documentation was not submitted showing evidence that this would not provide an additional boat slip. The applicant failed to address the amount of boat slips the structure(s) could provide.

Standards of Approval

8. Pursuant to RSA 482-A, XIV(b), if additional information requested by the Department is not received within 120 days of the request, the application shall be denied.

Reasoning for Decision:

9. DES did not receive the requested additional information within the 120 days and therefore the application has been denied per RSA 482-A, XIV(b).

**2005-01025 CHASE, LESTER & BETTY
DERRY Beaver Lake**

Requested Action:

Fill a total of 8,500 sq. ft. of wetland for four crossings to access uplands for a 13-lot residential subdivision on 46 acres, including: fill 4,500 sq. ft. of wetland and installation of two 18 inch RCP; fill 3,400 sq. ft. of wetland and installation of a 8 ft. x 4 ft. open bottom box culvert; fill 400 sq. ft. of wetland and installation of a 2 ft. x 2 ft. open bottom box culvert; and fill 200 sq. ft. of wetland for a roadway slope.

APPROVE PERMIT:

Fill a total of 8,500 sq. ft. of wetland for four crossings to access uplands for a 13-lot residential subdivision on 46 acres, including: fill 4,500 sq. ft. of wetland and installation of two 18 inch RCP; fill 3,400 sq. ft. of wetland and installation of a 8 ft. x 4 ft. open bottom box culvert; fill 400 sq. ft. of wetland and installation of a 2 ft. x 2 ft. open bottom box culvert; and fill 200 sq. ft. of wetland for a roadway slope.

With Conditions:

1. All work shall be in accordance with plans by Concord Engineering Group, P.A. dated April 25, 2005 with revisions dated August 16, 2005, as received by the Department on August 18, 2005.
2. The New Hampshire Fish & Game Department ("NHF&G") Nongame & Endangered Wildlife Program shall be notified in writing prior to commencement of construction of the 8 ft x 4 ft. open bottom box culvert proposed for Reflection Court.
3. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff and the NHF&G Nongame & Endangered Wildlife Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit, the NHDES Site Specific permit, and concerns of NHF&G.

It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.

4. There shall be no further alteration to wetlands or surface waters without amendment of the wetlands permit.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #5 of this approval.
6. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
7. Work within surface waters shall be done in the dry or during low flow.
8. Construction equipment shall not be located within surface waters.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
netting and pinning on slopes steeper than 3:1.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or
12. This permit is contingent on approval by the DES Site Specific Program.
13. This permit is contingent on approval by the DES Subsurface Systems Bureau.
14. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
15. The permittee shall coordinate with the NH Division of Historic Resources to assess and mitigate the project's effect on historic resources.
16. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
17. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
18. Silt fencing must be removed once the area is stabilized.
19. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), alteration of less than 20,000 sq. ft. of wetlands.
2. The applicant has adequately demonstrated that the proposal must cross wetlands at some locations on this property to access buildable uplands and has thereby demonstrated need as required by Wt 302.04(a)(1).
3. The applicant's agent, Gary Flaherty & Associates, LLC, has identified three vernal pools on the property and has provided a 100 ft. buffer to them.
4. The applicant has addressed the New Hampshire Fish & Game Department ("NHFG") Nongame and Endangered Wildlife Program concerns with the effect the project will have on the species Blanding's turtle (*Emydoidea blandingii*) by proposing a 8 ft. x 4 ft. open bottom box culvert to be installed under Reflection Court in an area that is between two identified vernal pools on the property. This culvert will allow for the safe passage of the Blanding's turtle and other wildlife.
5. The applicant has responded to concerns by abutters by confirming that there no direct wetland impacts to the wetland adjacent to English Range Road.
6. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
7. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2005-01338 **KANE, RICHARD**
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Remove an existing 6 ft x 40 ft seasonal dock and install two 6 ft x 40 ft hinged seasonal docks with a seasonal boat lift, and two seasonal personal watercrafts on a lot in Moultonborough, with 155 ft of frontage on Lake Winnepesaukee.

APPROVE PERMIT:

Remove an existing 6 ft x 40 ft seasonal dock and install two 6 ft x 40 ft hinged seasonal docks with a seasonal boat lift, and two seasonal personal watercrafts on a lot in Moultonborough, with 155 ft of frontage on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated May 5, 2005, rev. August 29, 2005, rev. September 23, 2005, as received by the Department on June 15, 2005, September 2, 2005, and September 29, 2005 respectively.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
4. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
5. No portion of the piers shall extend more than 40 feet from the shoreline at full lake elevation.
6. All seasonal docking structures shall be removed for the non-boating season.
7. The existing seasonal personal watercraft lifts shall be installed in accordance with Rule Wt. 303.04 (ad).
8. This permit does not allow for maintenance dredging.
9. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
10. Work shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
11. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
12. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(d), construction of a docking facility providing 3 slips.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. In accordance with Rule Wt 402.12, Frontage Over 75', a maximum of 3 slips may be permitted on 155 feet of frontage.
6. The proposed docking facilities will provide 3 slips as defined per RSA 482-A:2 and therefore meets the requirements of Rule Wt 402.12.

2005-01387 TATA, MICHAEL & WENDY
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Construct two 6 ft by 40 ft seasonal hinged docks attached to two 4 ft by 6 ft concrete pads on Lake Winnepesaukee, Moultonborough.

Conservation Commission/Staff Comments:

Meredith Con Com has no objections
Moultonboro Con Com has no objections

APPROVE PERMIT:

Construct two 6 ft by 40 ft seasonal hinged docks attached to two 4 ft by 6 ft concrete pads on Lake Winnepesaukee, Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by DeGrace Design dated June 8, 2005, as received by the Department on June 14, 2005.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. This shall be the only structure on this water frontage and all portions of the docking structure shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
6. Seasonal piers shall be removed from the lake for the non-boating season.
7. No portion of the piers shall extend more than 40 feet from the shoreline at full lake elevation.
8. The concrete pads shall be located entirely behind the natural undisturbed shoreline.
9. The docking structures shall not create a navigational hazard or they will be subject to removal.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(d), construction of a docking system that provides for 4 boatslips.
2. The docking structure is constructed over the town line between the towns of Moultonborough and Meredith. Both towns have been notified and do not oppose the project.

**2005-01466 HANOVER, TOWN OF
HANOVER Mink Brook**

Requested Action:

Confirm emergency authorization issued on June 30, 2005, to dredge and fill 550 square feet (three 50 linear feet sections) of Mink Brook bank to repair collapsed retaining wall and remove existing debris from brook; and dredge and fill approximately 750 square feet (30 linear feet) to repair collapsed embankment at Mink Brook.

CONFIRM EMERGENCY AUTHORIZATION:

Dredge and fill 550 square feet (three 50 linear feet sections) of Mink Brook bank to repair collapsed retaining wall and remove existing debris from brook; and dredge and fill approximately 750 square feet (30 linear feet) to repair collapsed embankment at Mink Brook.

With Conditions:

1. Any future work that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1), projects that alter the course of or disturb less than 200 linear feet of a perennial stream.
2. The project was necessary to protect the structural integrity of a heavily traveled public road and ensure public safety.
3. Emergency authorization for work was issued by DES Wetlands Bureau Staff on June 30, 2005.

4. Review of the application submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

2005-01500 GOFFSTOWN, TOWN OF
GOFFSTOWN Unnamed Wetland

Requested Action:

Dredge and fill 7,814 square feet of palustrine forested wetlands and intermittent streams (impacting 107 linear feet) to construct an access loop road for a proposed kindergarten in Goffstown.

Conservation Commission/Staff Comments:

*In a letter dated July 5, 2005, the Goffstown Conservation Commission requested a 40-day intervention in order to complete a site walk and forward comments to DES.

*On September 9, 2005, DES received a letter from the Goffstown Conservation Commission stating that they have serious concerns about the proposed use of the property, and asked DES to consider several issues including: town wetland zoning, potential future school expansions, alternative site layouts, a least impacting alternative analysis, wetland functional assessment, runoff and treatment from impervious surfaces, changes in groundwater hydrology, and to consider open bottom culverts for the stream crossings.

APPROVE PERMIT:

Dredge and fill 7,814 square feet of palustrine forested wetlands and intermittent streams (impacting 107 linear feet) to construct an access loop road for a proposed kindergarten in Goffstown.

With Conditions:

1. All work shall be in accordance with revised plans by True Engineering dated September 26, 2005, as received by the Department on September 30, 2005.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. Wetland or surface water impacts associated with potential future development on this lot will be considered cumulative with impacts authorized under this permit and may require compensatory mitigation for the entire development.
6. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
9. Stream crossing work shall be done during low flow or dry conditions.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. Proper headwalls shall be constructed over the culvert ends within seven days of culvert installation.
12. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
13. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be

stabilized within 14 days by seeding and mulching.

15. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

16. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This project is classified as a Minor Project per NH Administrative Rule Wt 303.03(h) and (l), as wetland impacts are less than 20,000 square feet, and intermittent stream impacts are less than 200 linear feet.

2. On May 2, 2005, DES held a pre-application meeting with the Goffstown School District and their agent, True Engineering. A loop road with 3 wetland crossings was discussed to construct a town kindergarten. DES recommended that a master plan be provided to address potential future school expansion, that a functional assessment of wetlands be completed, and explained the wetland requirements of avoidance and minimization, project need, as well as the least impacting alternative analysis.

3. In the original application received by DES on July 6, 2005, the applicant requested 8,698 square feet of wetland impact, including 205 linear feet of intermittent stream impacts, to construct an access loop road that will serve a new kindergarten with associated parking.

4. In a letter dated July 5, 2005, the Goffstown Conservation Commission requested a 40-day intervention in order to complete a site walk and forward comments to DES.

5. In a letter dated July 7, 2005, DES sent a "Notice of Administrative Completeness" to confirm that the application was accepted as administratively complete.

6. In a letter dated July 13, 2005, DES sent relevant information to the Piscataquog River Local Advisory Committee (LAC) to notify them of the proposed project.

7. On August 15, 2005, DES received a letter from an abutter to the project (map 5, lot 16) to express concerns and comments with the school proposal.

8. On September 8, 2005, DES received a letter from the concerned abutter (map 5, lot 16) who now is representing a local citizens group known as the Goffstown Residents Association (GRA). The letter expressed concerns with finding the most appropriate lot for the proposed school, and requested that the previous letter dated August 15, 2005 be represented as concerns from the collective group. In addition, GRA requested that DES conduct a public hearing because the current proposal was never afforded a town public hearing prior to the town vote (which approved the transfer of land from the town to the School Administrative Unit (SAU) #19 to complete this project).

9. On September 9, 2005, DES received a letter from the Goffstown Conservation Commission stating that they have serious concerns about the proposed use of the property, and asked DES to consider several issues including: town wetland zoning, potential future school expansions, alternative site layouts, a least impacting alternative analysis, wetland functional assessment, runoff and treatment from impervious surfaces, changes in groundwater hydrology, and to consider open bottom culverts for the stream crossings.

10. On September 14, 2005, DES received plans from the concerned abutter (map 5, lot 16) showing town wetland setbacks, and future conceptual development.

11. In a letter dated September 16, 2005, DES sent a "Request for More Information" to the applicant to address concerns raised by the Goffstown Conservation Commission and the GRA, and to meet specific NH Wetlands Bureau Administrative Rules. DES summarized that the application did not appear to avoid and minimize overall wetland and stream disturbance, and did not provide evidence that the alternative is the one with the least impact to wetlands or surface waters on-site. Several other items were requested including: a master conceptual plan for potential future development, wetland classifications with stream types and channel locations, mitigation (if stream impacts were not further reduced), plans stamped by a Certified Wetland Scientist (CWS), revised plans to relocate stormwater detention areas, and to contact the NH Fish & Game Department relative to 2 species of concern within the project vicinity.

12. On September 27, 2005, DES received a letter of response and revised plans from SAU #19 and True Engineering, to satisfy the requested items from DES' September 16, 2005 letter. Overall wetland and stream impacts were further reduced by using; one way 20-foot access roads, 2:1 side slopes, an open bottom box culvert, and by reducing the footprint of rip-rap aprons. In summary, plans were revised to reduce total wetland impacts to 7,814 square feet and intermittent stream impacts to 107 linear feet.

13. On September 29, 2005, DES received a letter of response from BAG Land Consultants (the applicant's consultant and CWS) to satisfy the DES requested items.

14. On September 30, 2005, DES received revised plans from BAG Land Consultants that contained the stamp of the CWS.

15. On October 10, 2005, DES received an inter-department communication from the NH Fish & Game Department stating that, "It is our understanding that a bottomless concrete box will span the largest wetland drainage, substantially reducing impacts to the intermittent stream at the project site. The bottomless concrete box will also help to retain the natural hydrologic characteristics of the site, potentially resulting in reduced impacts to wood turtle (*Clemmys insculpta*) and the state endangered brook floater mussel (*Alasmodonta varicosa*), located downstream in the Piscataquog River."

16. Overall, DES finds that the need for the proposed impacts has been demonstrated by the applicant per Rule Wt 302.01;

17. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Wt 302.03;

18. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

19. In addition, wetland or surface water impacts associated with potential future development on this lot will be considered cumulative with impacts authorized under this permit and may require compensatory mitigation for the entire development.

20. Public hearing is waived with the finding that the project is classified as a Minor Project and will not significantly impair the resources of this palustrine forested wetland and intermittent stream ecosystem.

**2005-01554 SLAVES OF THE IMMACULATE HEART OF MARY OF ST BENED
WASHINGTON Unnamed Wetland Ashuelot Pond**

Requested Action:

Dredge and fill 4,530 square feet of palustrine, forested, broad-leaved deciduous, seasonally saturated wetlands to install a driveway with four wetland crossings (three culverted crossings and one filled crossing) for access to uplands for construction of a retreat center, a noncommercial recreational use.

APPROVE PERMIT:

Dredge and fill 4,530 square feet of palustrine, forested, broad-leaved deciduous, seasonally saturated wetlands to install a driveway with four wetland crossings (three culverted crossings and one filled crossing) for access to uplands for construction of a retreat center, a noncommercial recreational use.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated August 4, 2005, as received by the DES Wetlands Bureau on September 2, 2005.
2. This permit is contingent on approval of the septic design by the DES Subsurface Systems Bureau.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
5. All work shall be done during low flow.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
9. Silt fence(s) must be removed once the area is stabilized.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
13. Faulty equipment shall be repaired prior to entering jurisdictional areas.
14. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

15. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands.
2. This permit is contingent on approval of the septic design by the DES Subsurface Systems Bureau.
3. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. The driveway is required to access buildable upland for the construction of a retreat center, a noncommercial recreational use.
4. Per Wt 302.03, the applicant has provided evidence which demonstrates that potential impacts have been avoided to the maximum extent practicable and any unavoidable impacts have been minimized.
5. The applicant unsuccessfully explored crossing the wetlands at the narrowest points; however, these locations required impacts within 20 feet of an abutting property.
6. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
7. The project will impact palustrine, forested, broad-leaved deciduous, seasonally saturated wetlands that drain to Ashuelot Pond.
8. The proposed impacts occur within one-quarter mile of the Ashuelot River, a Designated River protected under RSA 483. The Local Advisory Committee was notified on July 18, 2005 of the project but did not comment within the comment period.

2005-01637 NEW FILIAS REALTY TRUST, CHARLES & ALEX FILIAS

OSSIPEE Lovell River

Requested Action:

Dredge and fill 379 square feet within the bed and bank of Lovell River (impacting 88 linear feet) to stabilize an eroding bank by excavating the upper bank and installing rip-rap, live stakes, shrub plantings and biologs.

Conservation Commission/Staff Comments:

*In a letter dated 9/2/05, the Ossipee Conservation Commission stated that they do not have any objection to this project.

APPROVE PERMIT:

Dredge and fill 379 square feet within the bed and bank of Lovell River (impacting 88 linear feet) to stabilize an eroding bank by excavating the upper bank and installing rip-rap, live stakes, shrub plantings and biologs.

With Conditions:

1. All work shall be in accordance with plans by NH Soil Consultants, Inc. dated 6/01/05, as received by the Department on 7/14/05.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Work shall be done during low flow conditions.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
5. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This project is classified as a Minor Project per NH Administrative Rule Wt 303.03(l), as impacts to the bed and bank of Lovell River are less than 200 linear feet.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2005-01675 WEST MEADOW DEVELOPMENT CORP, ROBERT BECK
PITTSFIELD Unnamed Wetland Berry Pond Rd

Requested Action:

Dredge and fill a total of 2310 square feet of palustrine forested wetland and perennial stream along 115 linear feet for access in the subdivision of 44.2 acres into 8 single family residential lots.

Conservation Commission/Staff Comments:

The conservation commission did not comment on the project.

APPROVE PERMIT:

Dredge and fill a total of 2310 square feet of palustrine forested wetland and perennial stream along 115 linear feet for access in the subdivision of 44.2 acres into 8 single family residential lots.

With Conditions:

1. All work shall be in accordance with plans by Sublime Civil Consultants dated April 1, 2005, and revised through July 8, 2005 as received by the Department on July 18, 2005 and Subdivision Plans by Joseph M. Wichert LLS Inc dated November 14, 2005, as received by the Department on July 18, 2005.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Work shall be done during low flow.
9. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
10. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
11. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
13. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow., High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
14. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
15. Temporary cofferdams shall be entirely removed immediately following construction.

16. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
17. Proper headwalls shall be constructed within seven days of culvert installation.
18. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
19. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
20. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
21. Silt fencing must be removed once the area is stabilized.
22. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1); Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Wt 303.04(n).
2. All access to the northern end of the property requires crossing this perennial stream.
3. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
4. The applicant has agreed to restore approximately 900 square feet of wetland and perennial stream through the removal of the existing culvert on the stream.
5. The road layout has been designed to reduce the side slopes, has the maximum allowable road slope, and has been designed to cross at the narrowest location
6. The applicant has provided an elliptical steel culvert to better mimic the existing width of the stream channel and provide a more naturalized bottom.
7. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
8. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2005-01739 LEPENE LAND HOLDINGS, RICHARD LEPENE
SANBORNTON Unnamed Wetland

Requested Action:

Dredge and fill a total of 2556 square feet further described as follows: Impact 2188 square feet of palustrine emergent wetland including 20 feet of perennial stream for installation of a 20 ft x 6 ft x 5 ft box culvert 3 feet below grade and fill 368 square feet of palustrine forested wetland for access to proposed community wells and pump station in the development of 29.083 acres into 48 condominium units.

APPROVE PERMIT:

Dredge and fill a total of 2556 square feet further described as follows: Impact 2188 square feet of palustrine emergent wetland including 20 feet of perennial stream for installation of a 20 ft x 6 ft x 5 ft box culvert 3 feet below grade and fill 368 square feet of palustrine forested wetland for access to proposed community wells and pump station in the development of 29.083 acres into 48 condominium units.

With Conditions:

1. All work shall be in accordance with plans by Lapene Engineering and Surveying dated May 17, 2005, as received by the Department on July 29, 2005.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit is contingent on approval by the DES Water Supply Engineering Bureau.

5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #5 of this approval.
7. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
8. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, NH to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
9. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
10. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
11. Work shall be done during low flow.
12. All work within the stream channel shall be done in the dry.
13. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
14. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
15. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
16. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow., High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
17. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
18. Temporary cofferdams shall be entirely removed immediately following construction.
19. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
20. Proper headwalls shall be constructed within seven days of culvert installation.
21. Substrate used to recreate the channel bottom within the culvert shall be native material similar to that found in the up and downstream reaches of the stream. Not angular rip-rap.
22. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
23. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
24. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
25. Silt fencing must be removed once the area is stabilized.
26. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1); Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Wt 303.04(n).
2. The only available access to the useable land in the rear of the lot is crossing the existing wetlands.
3. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
4. The applicant is utilizing the foot print of existing woods road to minimize the impacts,
5. The applicant is providing a 6 foot wide culvert when the existing stream bed is approximately 4 feet wide.
6. The applicant is sinking the culvert 3 feet into the substrate then backfilling with natural local material in an attempt to recreate a

stream natural bottom .

7. Impact W2 is to a man made wetland and no culvert is proposed because the land is a high point and drainage flows to the east and west from this point.
8. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
9. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
10. The applicant provided all of the information required by Wt 304.09(a).
11. The Sanbornton Conservation Commission did not comment on this application.

2005-01746 NH DEPT OF TRANSPORTATION
FRANCONIA Unnamed Stream

Requested Action:

Slipline a 54 in. pipe with a 48 in. impacting 1,040 sq. ft. (870 sq. ft. temporary) of stream and palustrine wetlands.

Conservation Commission/Staff Comments:

Cons. Comm. - no comment

APPROVE PERMIT:

Slipline a 54 in. pipe with a 48 in. impacting 1,040 sq. ft. (870 sq. ft. temporary) of stream and palustrine wetlands. NHDOT project #13408.

With Conditions:

1. All work shall be in accordance with plans by the Louis Berger Group, Inc. dated 6/24/05, as received by the Department on July 26, 2005.
2. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans to the DES Wetlands Bureau. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Proper headwalls shall be repaired/ constructed within seven days of culvert installation.
10. Work shall be done during low flow.
11. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1), alteration of less than 200 linear feet of a perennial stream.
2. This is not a major project as the closest state threatened species noted was approximately 1/3 mile downstream of the project and the site has been significantly altered since the last sighting in 1861.
3. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01 as the significant deterioration of the culvert requires attention to provide safety for the traveling public.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to

areas and environments under the department's jurisdiction per Wt 302.03.

5. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2005-01749 NH DEPT OF TRANSPORTATION
LITTLETON Unnamed Stream

Requested Action:

Slipline three 60 in. pipes with 54 in. pipes at exit 44 and one 48 in. pipe with a 42 in. pipe at exit 43 on I-93 impacting 3,250 sq. ft. (1,420 sq. ft. temporary) of palustrine and riverine wetlands.

Conservation Commission/Staff Comments:

Cons. Comm. - no comment

Rivers Advisory Comm. - no comment

APPROVE PERMIT:

Slipline three 60 in. pipes with 54 in. pipes at exit 44 and one 48 in. pipe with a 42 in. pipe at exit 43 on I-93 impacting 3,250 sq. ft. (1,420 sq. ft. temporary) of palustrine and riverine wetlands. NHDOT project #13408.

With Conditions:

1. All work shall be in accordance with plans by the Louis Berger Group, Inc. dated 6/24/05, as received by the Department on July 26, 2005.
2. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans to the DES Wetlands Bureau. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Proper headwalls shall be repaired/ constructed within seven days of culvert installation.
10. Work shall be done during low flow.
11. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1), alteration of less than 200 linear feet of a perennial stream.
2. This is not a major project as the state threatened species identified near Exit 43 are in a different watershed and at Exit 44 the closest state threatened species noted was approximately 1/2 mile from the project site.
3. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01, as the significant deterioration of the culverts requires attention to provide safety for the traveling public.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

MINIMUM IMPACT PROJECT

2005-01308 ADERER, NOEL
MARLBOROUGH Unnamed Wetland

Requested Action:

Dredge and fill 2,070 sq. feet to replace a 12 in. culvert with a 20 in. x 40 ft. culvert to widen existing driveway for access for six lots plus one 11.73-acre lot of common land in a subdivision on 17.29 acres.

APPROVE PERMIT:

Dredge and fill 2,070 sq. feet to replace a 12 in. culvert with a 20 in. x 40 ft. culvert to widen existing driveway for access for six lots plus one 11.73-acre lot of common land in a subdivision on 17.29 acres.

With Conditions:

1. All work shall be in accordance with plans by Bell Engineering dated 8/10/2005, as received by the Department on 9/22/2005.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Work shall be done during low flow and dry conditions.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Proper headwalls shall be constructed within seven days of culvert replacement.

2005-01523 LANDMARK LAND SERVICES LLC
CHARLESTOWN Unnamed Stream

Requested Action:

Dredge and fill 716 square feet of perennial stream and associated wetland for installation of a 36-inch culvert to construct a driveway for access to a single family building lot.

Conservation Commission/Staff Comments:

CC recommended approval.

APPROVE PERMIT:

Dredge and fill 716 square feet of perennial stream and associated wetland for installation of a 36-inch culvert to construct a driveway for access to a single family building lot.

With Conditions:

1. All work shall be in accordance with plans prepared by Landmark Land Services, LLC, dated June 7, 2005, as received by the Department on July 5, 2005.
2. All work shall be done during low flow.

3. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse. In-stream work shall not exceed five consecutive days in total unless specifically authorized in writing by the Wetlands Bureau.
4. Proper headwalls shall be constructed within seven days of culvert installation.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired prior to entering jurisdictional areas. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
11. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(z), Installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot or for noncommercial recreational uses.
2. The need for the proposed impacts has been demonstrated by the applicant per Rule Wt 302.01.
3. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
4. The subdivision plan (submitted by Landmark Land Services, dated April 18, 2005 and approved by the DES on May 11, 2005) indicated that access to the lot in question was secured via a Right-Of-Way along a common drive. No wetlands impacts were proposed in the subdivision plan. The applicant and the Town of Charlestown Planning Board were contacted regarding this Right-Of-Way being the least-impacting alternative. The Town, however, did not approve the Right-Of-Way and requires that each lot be accessible via a private drive making the construction of the proposed driveway and the subsequent wetlands impacts necessary.
5. The Nongame and Endangered Wildlife Program of the NH Fish and Game Department did not have record of any rare or endangered species near the project area.
6. An existing culvert, approximately 450 feet upstream of the proposed culvert, is corrugated metal with a diameter of 24 inches.

FORESTRY NOTIFICATION

2005-02397 CIOFFI, DAVID & ANN
HANOVER Unnamed Stream

COMPLETE NOTIFICATION:
Hanover Tax Map 5, Lot# 22-1

2005-02398 STEPHENS, JOSEPH & ELAINE
TROY Unnamed Stream

COMPLETE NOTIFICATION:
Troy Tax Map 8 & 9, Lot# 2,3 & 4

2005-02400 KDRM LLC, DAVID DROWNE
DEERFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Deerfield Tax Map 408, Lot# 20

2005-02402 MONADNOCK PAPER MILLS INC
ANTRIM Unnamed Stream

COMPLETE NOTIFICATION:
Antrim Tax Map 4, Lot# 87

2005-02405 DREW, EDWARD & ELIZABETH
GORHAM Unnamed Stream

COMPLETE NOTIFICATION:
Gorham Tax Map R5, Lot# 166

2005-02406 LACHUT, RITA/SIGMUND
PITTSFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Pittsfield Tax Map R17, Lot# 2A

2005-02407 GREEN WOODLANDS NORTH LLC, SANDRA GREEN MGR
WENTWORTH Unnamed Stream

COMPLETE NOTIFICATION:
Wentworth Tax Map 9, Lot# 1

2005-02408 GREEN WOODLANDS NORTH LLC, SANDRA GREEN MGR
ORFORD Unnamed Stream

COMPLETE NOTIFICATION:
Orford Tax Map 1-93, Lot# 3

2005-02409 DUNBARTON TOWN FOREST COMMITTEE, C/O JOHN SWINDLEHU
DUNBARTON Unnamed Stream

COMPLETE NOTIFICATION:
Dunbarton Tax Map B5 & C5, Lot# 3-1,3-1,2-13 & 1-3

**2005-02410 SWINDLEHURST TRUST, ELEANOR
DUNBARTON Unnamed Stream**

COMPLETE NOTIFICATION:
Dunbarton Tax Map C3, Lot# 3-1

**2005-02411 BROWN, STEPHEN
ALEXANDRIA Unnamed Stream**

COMPLETE NOTIFICATION:
Alexandria Tax map 407, Lot# 46 & 100

**2005-02413 MASSINGHAM, ANN
BELMONT Unnamed Stream**

COMPLETE NOTIFICATION:
Belmont Tax Map 247, Lot# 2

**2005-02414 MASSINGHAM, ANN
GILMANTON Unnamed Stream**

COMPLETE NOTIFICATION:
Gilmanton Tax Map 40, Lot# 26

**2005-02415 BRENTWOOD, TOWN OF
BRENTWOOD Unnamed Stream**

COMPLETE NOTIFICATION:
Brentwood Tax Map 1 & 2, Lot# 2,10 & 48

**2005-02417 DELISLE, TOM
OSSIPPEE Unnamed Stream**

COMPLETE NOTIFICATION:
Ossipee Tax Map 13, Lot# 100

**2005-02418 FEINS, JONATHON/AMY
SUTTON Unnamed Stream**

COMPLETE NOTIFICATION:
Sutton tax map 10, Lot# 688,134

EXPEDITED MINIMUM

2004-03040 SHANNON, TODD & KARA
TUFTONBORO Unnamed Wetland

Requested Action:

Fill 840 square feet of man made detention pond for public safety.

APPROVE PERMIT:

Fill 840 square feet of man made detention pond for public safety.

With Conditions:

1. All work shall be in accordance with plans by Fernstone Associates Inc dated October 5, 2005, as received by the Department on October 7, 2002.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and remain until the area is stabilized. Silt fencing must be removed once the area is stabilized.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Work shall be done during draw down.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.03(o), Projects deemed minimum impact by the department based on the degree of environmental impact.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The existing pond is a an old cellar hole.
5. The existing pond was not created for water treatment or for containment of surface water runoff.
6. The conservation commission supports this application.

2005-01560 HYERS, DONALD & LETA
CANDIA Unnamed Wetland

Requested Action:

Impact a total of 1,512 square feet of forested wetlands to construct two (2) wetland crossings for access to two (2) single family residential lots to include the installation of a 15-inch culvert (792sq.ft. of impact) and a 18-inch culvert (720sq.ft. of impact) as part of a 4-lot subdivision of 21.35 acres.

Conservation Commission/Staff Comments:

The Candia Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Impact a total of 1,512 square feet of forested wetlands to construct two (2) wetland crossings for access to two (2) single family

residential lots to include the installation of a 15-inch culvert (792sq.ft. of impact) and a 18-inch culvert (720sq.ft. of impact) as part of a 4-lot subdivision of 21.35 acres.

With Conditions:

1. All work shall be in accordance with plans by James E. Franklin dated April 19, 2005, as received by the Department on September 1, 2005.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. Work shall be done during low flow conditions.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of forested wetland.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01 as the applicant wishes to gain access to the buildable portions of upland.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03. Both of the crossings will be constructed at the narrowest section of wetland.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. NH Natural Heritage Bureau (NHNHB) has identified one state listed threatened species within the vicinity of the project, Barren Strawberry (*Waldsteinia fragarioides*).
6. An on-site survey was completed by Deborah Lievens and no occurrences of said species were found.

2005-01688 DEMERS, ROBERT
MANCHESTER Unnamed Wetland

Requested Action:

Impact 816 sq. ft. of wetlands and seasonal stream to replace three culverts (12 in. to 15 in. diameter) under a farm road with three 24 in. diameter culverts (two 24 in. x 20 ft. and one 24 in. x 40.5 ft.) to convey drainage to Mosquito Brook.

APPROVE PERMIT:

Impact 816 sq. ft. of wetlands and seasonal stream to replace three culverts (12 in. to 15 in. diameter) under a farm road with three 24 in. diameter culverts (two 24 in. x 20 ft. and one 24 in. x 40.5 ft.) to convey drainage to Mosquito Brook.

With Conditions:

1. All work shall be in accordance with plans by Burd Engineering Associates dated July 7, 2005, as received by the Department on July 25, 2005.
2. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
3. Work shall be done during low flow.

4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Culvert outlets shall be properly rip rapped.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Proper headwalls shall be constructed within seven days of culvert installation.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 sq. ft. in swamps or wet meadows.
2. The project addresses stormwater management needs related to an upstream subdivision.
3. Analyses provided indicate that the discharge of runoff from upgradient development contributes little to the watershed due to large inflows from Crystal Lake and other areas.
4. This project will not have an impact on the downstream "seasonally flooded red maple swamp" (which has been identified as an exemplary natural community by the NH Natural Heritage Bureau), because the Mammoth Road culvert controls the water level.

2005-01816 CASWELL, KENNETH
NEW CASTLE Piscataqua River

Requested Action:

Reset and repair in-kind 180 square feet of a stone patio with the 100-foot tidal buffer zone on a single family residential lot on 0.10 acres with 188 linear feet of shoreline frontage on the Piscataqua River.

Conservation Commission/Staff Comments:

The New Castle Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Reset and repair in-kind 180 square feet of a stone patio with the 100-foot tidal buffer zone on a single family residential lot on 0.10 acres with 188 linear feet of shoreline frontage on the Piscataqua River.

With Conditions:

1. All work shall be in accordance with plans received by the Department on August 8, 2005.
2. DES Coastal staff shall be notified in writing prior to commencement of work and upon its completion.
3. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
4. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
5. Work shall be done during low tide and low flow conditions.
6. Existing rocks which have fallen and/or loose shall be used for repair. No Additional Rocks.
7. Repair shall maintain existing size, location and configuration.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(b) Projects in previously-developed upland areas within 100 feet of the highest observable tide line.
2. Per Wt 302.01, the need for the proposed impacts has been demonstrated by the applicant as these repairs are necessary to avoid further erosion of bank and soils underneath the patio
3. Per Wt 302.03, the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction as the repairs will be in-kind.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application

Evaluation, has been considered in the design of the project.

2005-01885 BOZEK, FRANCIS
MEREDITH Lake Winnisquam

Requested Action:

Relocate a 4ft x 32 ft seasonal dock 6 ft to the north, impact 8 linear ft of shoreline to install 72 in wide steps to access the water and rip rap 12 linear ft (48 sq ft) of shoreline using on 240 ft of frontage on Winnisquam Lake in Meredith.

APPROVE PERMIT:

Relocate a 4ft x 32 ft seasonal dock 6 ft to the north, impact 8 linear ft of shoreline to install 72 in wide steps to access the water and rip rap 12 linear ft (48 sq ft) of shoreline using on 240 ft of frontage on Winnisquam Lake in Meredith.

With Conditions:

1. All work shall be in accordance with plans by Francis Bozek dated July 28, 2005 revised September 16, 2005, as received by the Department on August 15, 2005 revised September 21, 2005.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
5. This permit does not allow for maintenance dredging.
6. Rip-rap shall be located landward of the shoreline at the normal high water, where practical, and shall not extend more than 2 feet lakeward of that line at any point.
7. Seasonal piers shall be removed for the non-boating season.
8. All dredged and excavated material and construction related debris shall be placed outside of the areas under the jurisdiction of the DES Wetlands Bureau.
9. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
10. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
11. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
12. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
13. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
14. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(m), alteration of less than 50 linear ft, measured along the shoreline of a lake or pond or its bank and do not meet the criteria a Wt 303.03 or Wt 303.02.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2005-01968 SMITH, CHRISTINA
BEDFORD Unnamed Wetland

Requested Action:

Dredge and fill a total of 757 square feet of palustrine forested wetlands further described as follows: Impact 310 square feet of wetlands to install a 12-inch x 16-foot HDPE culvert and impact 447 square feet of wetlands to install a 12-inch x 20-foot HDPE culvert for access to one lot of a four lot subdivision.

APPROVE PERMIT:

Dredge and fill a total of 757 square feet of palustrine forested wetlands further described as follows: Impact 310 square feet of wetlands to install a 12-inch x 16-foot HDPE culvert and impact 447 square feet of wetlands to install a 12-inch x 20-foot HDPE culvert for access to one lot of a four lot subdivision.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc., dated August 23, 2005, as received by the Department on September 28, 2005.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. Work shall be done during low flow.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Culverts shall be laid at original grade.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
15. Faulty equipment shall be repaired prior to entering jurisdictional areas.
16. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
17. All refueling of equipment shall occur outside of surface waters or wetlands during construction

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of swamps.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2005-01986 HENDERSON, DAVID & GLENDA
BARRINGTON Unnamed Wetland

Requested Action:

Fill 950 sq. ft. of wetland and installation of a culvert for access to uplands for a commercial development.

Conservation Commission/Staff Comments:

Conservation Commission signed the Expedited Application.

Inspection Date: 10/04/2005 by David A Price

APPROVE PERMIT:

Fill 950 sq. ft. of wetland and installation of a culvert for access to uplands for a commercial development.

With Conditions:

1. All work shall be in accordance with plans by Norway Plains Associates, Inc. dated May 2005 with revisions dated October 3, 2005 as received by the Department on October 7, 2005.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
4. DES Wetlands Bureau Pease Office shall be notified in writing prior to commencement of work and upon its completion.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
7. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
8. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project pursuant to Administrative Rule Wt 303.04(f), projects involving less than 3,000 sq. ft. in wetlands.
2. The applicant has adequately demonstrated that the proposal must cross wetlands at some location on this property to access buildable uplands and has thereby demonstrated need as required by Administrative Rule Wt 302.01(b).
3. The applicant has demonstrated that the proposed location of the driveway is the most practicable. Relocating the driveway to the northwest corner of the site, more narrow area of wetland, would increase the length of the driveway by 200 ft. that is adjacent to wetlands on both sides and result in an excess amount of untreated stormwater sheet flowing into wetlands. Also, relocating the driveway to the northwest corner would require relocating the proposed stormwater detention pond which is currently proposed at the lowest elevation of the site. Relocating the detention pond further up gradient would require raising the site elevations and would likely have additional wetland impacts from fill slopes.
4. The applicant has adequately demonstrated avoidance and minimization of wetland impacts pursuant to Administrative Rule Wt 302.03 by reducing the driveway width from 24 ft. of pavement to 20 ft. of pavement and increasing fill slopes from 3:1 slope to 2:1 slopes. This resulted in a decrease of 75 sq. ft. of wetland impact.

2005-02128 SIMMONDS REVOC TRUST, BARBARA
TUFTONBORO Lake Winnepesaukee

Requested Action:

Permanently remove an existing 5 ft by 16 ft seasonal dock and construct a 6 ft by 30 ft seasonal dock providing 2 slips and construct a 7 ft by 2 ft concrete anchor pad on Lake Winnepesaukee, Tuftonboro.

Conservation Commission/Staff Comments:

Con Com signed EXP Application

NH Fish and Game and NH NHI will not be responding

APPROVE PERMIT:

Permanently remove an existing 5 ft by 16 ft seasonal dock and construct a 6 ft by 30 ft seasonal dock providing 2 slips and construct a 7 ft by 2 ft concrete anchor pad on Lake Winnepesaukee, Tuftonboro.

With Conditions:

1. All work shall be in accordance with plans by K Armstrong dated September 5, 2005, as received by the Department on September 13, 2005.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
4. Construction debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Seasonal pier shall be removed from the lake for the non-boating season.
6. No portion of the pier shall extend more than 30 feet from the shoreline at full lake elevation.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(a), construction of a seasonal dock.
2. The applicant submitted information to the file indicating they have 100 ft of frontage.

2005-02132 FAGGELLA, SALLY
BRIDGEWATER Whittemore Brook / Newfound Lake

Requested Action:

Repair 3 existing damaged sections of wall, section one consists of 5 linear ft, section two consists of 15 linear ft, section three consists of 20 linear ft along Whittemore Brook, Bridgewater.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair 3 existing damaged sections of wall, section one consists of 5 linear ft, section two consists of 15 linear ft, section three consists of 20 linear ft along Whittemore Brook, Bridgewater.

With Conditions:

1. All work shall be in accordance with plans as received by the Department on September 12, 2005.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.

3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Area shall be regraded to original contours following completion of work.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Repair shall maintain existing size, location and configuration.
7. Work shall be done during drawdown.
8. Work shall be done during low flow.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(v), repair in kind of existing docking structures.

2005-02133 ZOMPA, NICOLE
ALTON Lake Winnepesaukee

Requested Action:

Repair and replace an existing 6 ft by 31 ft 5 in permanent dock supported by a 6 ft by 15 ft 6 in crib connected to a 8 ft by 31 ft 7 in permanent dock supported by a 7 ft 3 in by 37 ft crib by a 12 ft 9 in by 6 ft permanent walkway on Lake Winnepesaukee, Alton.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair and replace an existing 6 ft by 31 ft 5 in permanent dock supported by a 6 ft by 15 ft 6 in crib connected to a 8 ft by 31 ft 7 in permanent dock supported by a 7 ft 3 in by 37 ft crib by a 12 ft 9 in by 6 ft permanent walkway on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated August 30, 2005, as received by the Department on September 22, 2005.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
5. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
7. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
8. Repair shall maintain existing size, location and configuration.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Repair shall maintain existing size, location and configuration.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.
2. The reduction in the size of the crib is more nearly conforming and does not add boatslips.

2005-02152 DIAMOND, PETER & PRISCILLA
SUNAPEE Lake Sunapee

Requested Action:

Repair an existing 8 ft by 32 ft permanent dock supported by an 8 ft by 8 ft crib providing 2 slips on Lake Sunapee, Sunapee.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair an existing 8 ft by 32 ft permanent dock supported by an 8 ft by 8 ft crib providing 2 slips on Lake Sunapee, Sunapee.

With Conditions:

1. All work shall be in accordance with plans by Richard Green dated September 9, 2005, as received by the Department on September 14, 2005.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Repair shall maintain existing size, location and configuration.
4. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.
2. The applicant submitted information to the file indicating they had 219 ft of frontage.

2005-02161 VERNON REALTY TRUST, STANLEY ABJORNSON
LACONIA Lake Opechee

Requested Action:

Construct a 22 ft by 24 ft perched beach with 8.5 cy of sand with 6 ft wide access stairs, install a seasonal boatlift in the northern slip on Lake Opechee, Laconia.

Conservation Commission/Staff Comments:

Con Com submitted comments and did not sign the application.

APPROVE PERMIT:

Construct a 22 ft by 24 ft perched beach with 8.5 cy of sand with 6 ft wide access stairs, install a seasonal boatlift in the northern

slip on Lake Opeechee, Laconia.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated August 2, 2005, as received by the Department on September 16, 2005.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. The boatlift shall be of seasonal construction type which shall be removed for the non-boating season.
6. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
7. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line. Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
8. The steps installed for access to the water shall be located completely landward of the normal high water line.
9. No more than 8.5 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
10. This permit shall be used only once, and does not allow for annual beach replenishment.
11. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
12. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(d), construction of a beach.

2005-02265 GELZER, REED
NEWBURY Lake Sunapee

Requested Action:

Repair or replace a 10 ft by 10 ft crib supporting a 10 ft by 10 ft dock accessed by a 4 ft by 32 ft dock and a 12 ft by 12 ft crib supporting a 12 ft by 12 ft dock accessed by a 5 ft by 30 ft dock on Lake Sunapee, Newbury.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

NH NHI and NH Fish and Game will not be responding

APPROVE PERMIT:

Repair or replace a 10 ft by 10 ft crib supporting a 10 ft by 10 ft dock accessed by a 4 ft by 32 ft dock and a 12 ft by 12 ft crib supporting a 12 ft by 12 ft dock accessed by a 5 ft by 30 ft dock on Lake Sunapee, Newbury.

With Conditions:

1. All work shall be in accordance with plans by Dick Butterfield, as received by the Department on September 22, 2005.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.

5. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
7. Repair shall maintain existing size, location and configuration.
8. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

TRAILS NOTIFICATION

**2005-02429 DRED - FOX STATE FOREST, WILL GUINN
RINDGE Unnamed Stream**

COMPLETE NOTIFICATION:
Rindge Annett State Forest

ROADWAY MAINTENANCE NOTIF

**2005-02432 NH DEPARTMENT OF TRANSPORTATION
WILMOT Unnamed Stream**

**2005-02433 NH DEPT OF TRANSPORTATION, DISTRICT ONE
LANDAFF Unnamed Stream**

**2005-02434 NH DEPT OF TRANSPORTATION, DISTRICT ONE
BATH Unnamed Stream**

**2005-02435 NH DEPT OF TRANSPORTATION, DISTRICT ONE
MILAN Unnamed Stream**

2005-02436 NH DEPT OF TRANSPORTATION, DISTRICT ONE
STRATFORD Unnamed Stream

2005-02437 NH DEPT OF TRANSPORTATION
ACWORTH Unnamed Stream

2005-02438 NH DEPT OF TRANSPORTATION
ACWORTH Unnamed Stream

2005-02439 NH DEPT OF TRANSPORTATION
PEMBROKE Unnamed Stream

PERMIT BY NOTIFICATION

2005-02293 RAYMOND, CHRIS
DUBLIN Unnamed Stream

Requested Action:

Dredge and fill 370 square feet of intermittent stream and associated wetland for installation of a 24-inch culvert to construct a driveway for access to a single family building lot.

Conservation Commission/Staff Comments:

CC signed; no comments.

PBN IS COMPLETE:

Dredge and fill 370 square feet of intermittent stream and associated wetland for installation of a 24-inch culvert to construct a driveway for access to a single family building lot.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(z), Installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2005-02344 **ALTON, TOWN OF**
ALTON **Lake Winnepesaukee**

Requested Action:

Replace 24 support pilings on an existing public boat dock and boardwalk
